

SENATE BILL 371

E4, J2, J1
HB 1190/10 – HGO

11r1903
CF 11r1892

By: **Senator Conway**

Introduced and read first time: February 3, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations Boards – Discipline of Health Care Practitioners –**
3 **Failure to Comply with Governor’s Order**

4 FOR the purpose of authorizing certain health occupations boards to take certain
5 actions against certain health care practitioners under certain circumstances
6 and subject to certain hearing provisions; prohibiting certain health care
7 practitioners from knowingly and willfully failing to comply with certain
8 provisions of law; subjecting certain health care practitioners to certain
9 discipline under certain circumstances; and generally relating to the discipline
10 of health care practitioners for the failure to comply with the Governor’s order
11 relating to catastrophic health emergencies.

12 BY adding to
13 Article – Health Occupations
14 Section 1–219
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Public Safety
19 Section 14–3A–01(a) and (e) and 14–3A–03(c)
20 Annotated Code of Maryland
21 (2003 Volume and 2010 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Public Safety
24 Section 14–3A–08
25 Annotated Code of Maryland
26 (2003 Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Health Occupations**

4 **1–219.**

5 (A) IN THIS SECTION, “HEALTH CARE PRACTITIONER” MEANS A PERSON
6 WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE A
7 HEALTH OCCUPATION UNDER THIS ARTICLE.

8 (B) SUBJECT TO THE HEARING PROVISIONS THAT GOVERN THE
9 DISCIPLINE OF A HEALTH CARE PRACTITIONER BY EACH RESPECTIVE HEALTH
10 OCCUPATION BOARD, A HEALTH OCCUPATION BOARD MAY REPRIMAND, PLACE
11 ON PROBATION, OR SUSPEND OR REVOKE A LICENSE OR CERTIFICATE OF ANY
12 HEALTH CARE PRACTITIONER UNDER THE BOARD’S JURISDICTION WHO FAILS
13 TO COMPLY WITH § 14–3A–03(C) OF THE PUBLIC SAFETY ARTICLE.

14 **Article – Public Safety**

15 14–3A–01.

16 (a) In this subtitle the following words have the meanings indicated.

17 (e) “Heath care provider” means:

18 (1) a health care facility as defined in § 19–114(d)(l) of the
19 Health – General Article;

20 (2) a health care practitioner as defined in § 19–114(e) of the
21 Health – General Article; and

22 (3) an individual licensed or certified as an emergency medical
23 services provider under § 13–516 of the Education Article.

24 14–3A–03.

25 (c) The Governor may order any health care provider, who does not
26 voluntarily participate, to participate in disease surveillance, treatment, and
27 suppression efforts or otherwise comply with the directives of the Secretary or other
28 designated official.

29 14–3A–08.

1 (a) (1) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS
2 SECTION, A person may not knowingly and willfully fail to comply with an order,
3 requirement, or directive issued under this subtitle.

4 [(b)] (2) A person who violates [subsection (a) of this section] PARAGRAPH
5 (1) OF THIS SUBSECTION is guilty of a misdemeanor and on conviction is subject to
6 imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

7 (B) (1) A HEALTH CARE PRACTITIONER, AS DEFINED IN § 19-114(E)
8 OF THE HEALTH – GENERAL ARTICLE, MAY NOT KNOWINGLY AND WILLFULLY
9 FAIL TO COMPLY WITH § 14-3A-03(C) OF THIS SUBTITLE.

10 (2) A HEALTH CARE PRACTITIONER WHO FAILS TO COMPLY WITH
11 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBJECT TO DISCIPLINE
12 UNDER § 1-214 OF THE HEALTH OCCUPATIONS ARTICLE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2011.